

Case Summary

Appellant-Defendant Nathaniel D. Miller appeals his two convictions for Dealing in Cocaine, as Class B felonies.¹ He challenges the sufficiency of the evidence supporting the delivery element of the charges. We affirm.

Facts and Procedural History

On March 26, 2007, a confidential informant (“CI”) for the Fort Wayne Police Department arranged a meeting with Miller to purchase cocaine. Police Detectives Brian Martin and Teresa Smith searched the CI’s vehicle and person before providing him with \$50 for the buy. The CI was under surveillance by the Detectives as he drove to 2716 Kingsland Court in Allen County and exchanged the \$50 for cocaine from Miller. Upon return from 2716 Kingsland Court, the CI provided the cocaine to the Detectives at a secondary location, where the Detectives searched the CI and his vehicle.

On March 20, 2007, another transaction was set up between the CI and Miller. The Detectives searched the CI and his vehicle before providing him with \$50 in buy money, followed him and watched while he purchased the cocaine, and afterward met the CI at a predetermined location where they obtained the purchased cocaine and searched the CI and his vehicle.

After a search of Miller’s residence at 2716 Kingsland Court pursuant to a warrant, Miller confessed that he had been dealing cocaine from the residence. Among other charges,

¹ Ind. Code § 35-48-4-1.

the State charged Miller with two counts of Dealing in Cocaine. As to those counts, a jury found Miller guilty as charged. The trial court sentenced Miller to ten years imprisonment for each count to be served concurrently.

Discussion and Decision

In our review, we consider only the probative evidence and reasonable inferences supporting the judgment and will affirm the conviction unless “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” Brown v. State, 868 N.E.2d 464, 470 (Ind. 2007) (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)).

To convict Miller of Dealing in Cocaine, the State had to prove in part that Miller delivered the cocaine. Ind. Code § 35-48-4-1. At trial, the CI testified as to the transaction on March 26, 2007:

Q: Okay. Did you in fact give [the \$50] to Mr. Miller?

A: Uh-huh (affirmative response).

....

Q: Did you get anything from him in return?

A: \$50.00 of cocaine, yes.

Trial Transcript at 88-89. As to the transaction on March 29, 2007, the CI testified:

Q: Okay. By little exchange, what do you mean?

A: \$50.00 for the cocaine.

Q: Okay. You gave him - - Did you again have \$50.00 on you?

A: Yes.

....

Q: Okay. And what did you receive in return?

A: \$50.00 in coke

Q: From who?

A: Mr. Miller, Nate.

Tr. at 93-94. This is sufficient evidence that Miller delivered the cocaine to the CI.

Affirmed.

MATHIAS, J., and BARNES, J., concur.